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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION TWO

ELIZABETH KARNAZES,

Cross-Complainant and Appellant,

v.

JOHN J. HARTFORD,

Cross-Defendant and Respondent.

A145672

(San Mateo County Super.
Ct. No. CIV 458258)

Our most recent opinion between these parties began: “At bottom, this litigation started life as a civil case. The merits of the original dispute have not been at issue for years. Nevertheless, the passage of years has done nothing to diminish the parties’ enduring animosity and tenacity in resisting each other.¹ The latest visit to this court, as has been true for quite a time, involves the extended efforts by John J. Hartford, represented by attorney Albert Lee, to collect on a judgment against Elizabeth Karnazes, with whom he used to practice law. We have repeatedly referred to the parties’ “ ‘campaigns of scorched earth tactics.’ ” (*Karnazes v. Hartford* (June 27, 2014, A139421) [nonpub. opn.], quoting *Karnazes v. Hartford* (Feb. 10, 2014, A136400)

¹ One illustration of this, found in the reporter’s transcript of the hearing leading to the order appealed here, is counsel for Hartford, Albert Lee, comparing Karnazes to “an Al Qaeda terrorist.” Karnazes called this “beyond the pale,” but later told the court, “if you want to call someone a terrorist, it is John Hartford and Albert Lee” because they were “trying to take my home . . . and destroy my life.”

[nonpub. opn.].)” (*Hartford v. Karnazes* (Jan. 26, 2018, A143858) [nonpub. opn.]—a fact perhaps best demonstrated by a register of actions that is now 148 pages.

This appeal is by Karnazes from the June 11, 2015 order awarding attorney fees to Hartford. The order, which Karnazes did not include in the record on appeal, states in pertinent part: “Judgment Creditor/Cross-Defendant John J. Hartford’s Motion for Attorneys’ Fees and Costs incurred from January 1, 2014 to September 30, 2014 is GRANTED. John J. Hartford is awarded attorneys’ fees in the sum of \$30,000.00. 75 hours at \$400 per hour.”

Karnazes appeals, and asserts that the trial court “acted in excess of her [*sic*] legal authority,” and thus the standard of our review should be *de novo*. She is wrong on both counts.

“The judgment creditor is entitled to the reasonable and necessary costs of enforcing a judgment.” (Code, Civ. Proc. § 685.040.) Here, Hartford requested an award of \$157,418: 253.9 hours at \$620 per hour. The trial court reduced the number of hours down to 75 and the hourly rate to \$400. It also expressly found that “those are reasonable and necessary.” The award is reviewed according to the deferential abuse of discretion standard. (See, e.g., *Goodman v. Lozano* (2010) 47 Cal.4th 1327, 1332 and authorities cited.) As we have said: “ ‘ “The ‘experienced trial judge is the best judge of the value of professional services rendered in his court, and while his judgment is of course subject to review, it will not be disturbed unless the appellate court is convinced that it is clearly wrong’—meaning that it abused its discretion.” ’ ” (*Thayer v. Wells Fargo Bank, N.A.* (2001) 92 Cal.App.4th 819, 832.) As another Division of this District has put it, “our review of the award is severely constrained.” (*Harman v. City and County of San Francisco* (2007) 158 Cal.App.4th 407, 418.)

“Fees approved by the trial court are presumed to be reasonable, and the [appellant] must show error in the award.” (*In re Consumer Privacy Cases* (2009) 175 Cal.App.4th 545, 556.) “It is not our job to comb through the record in search of grounds to upset the order.” (*Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 899.) “ ‘In challenging attorney fees as excessive because too

many hours of work are claimed, it is the burden of the challenging party to point to the specific items challenged, with a sufficient argument and citations to the evidence. General arguments that fees claimed are excessive, duplicative, or unrelated do not suffice.’ ” (*Lunada Biomedical v. Nunez* (2014) 230 Cal.App.4th 459, 488.)

Yet this is precisely what Karnazes does. Karnazes repeatedly lambastes the award as a “windfall” lacking “proper evidence that the award was reasonable, necessary, and justified under the facts.” She excoriates everything that has occurred since the underlying judgment (which she condemns as “frivolous”) was entered in 2009, in particular denouncing every subsequent motion for fees and costs as “a fraudulent money grab.” And, she asserts, Hartford presented nothing but a “generic,” “exorbitant,” and “unreasonably inflated” claim. At bottom, her position is that Hartford, abetted by his attorney, has acted with such oppression and malice—creating a “living nightmare” for her—for which he (Hartford) does not deserve one dime. Finally, Karnazes attempts to invert the role of appellant and respondent by insisting that “The burden of proof is on Attorneys Hartford and Lee to prove they are entitled to a reasonable and necessary fee award and the amount of that award.”

As a litigation tactic, this approach is doomed to failure. Invective is not a substitute for reasoning. And as we have noted, the time for deciding whether Hartford is entitled to any fees for attempting to enforce the judgment is long past, and beyond our power to reopen history—and overturn awards that have become final. We therefore reject Karnazes’s pleas that we “end this case once and for all,” exercise our equitable powers, and “rule that Respondents [*sic*] take nothing in attorneys’ fees and costs.” The only issue is whether *this* award is vulnerable on grounds identified by Karnazes. Our answer is “No,” because her generalized—and generic—arguments do not satisfy the strict standard for abuse of discretion governing fee awards.

We end with two observations, the first of which is to reiterate what we said recently: that Karnazes does herself no favors with indiscriminate, and completely unjustified, attacks on the integrity of the San Mateo Superior Court. (*Karnazes v. Hartford* (April 28, 2017, A143423) [nonpub. opn.] 2017 WL 1534551). And in this

particular regard, we reject Karnazes's indications, some express, some implied, that the matter has come before so many different judges in San Mateo County who, the argument apparently runs, are unfamiliar with her case, and essentially rubber-stamp whatever Hartford puts in front of them. Our review of the register of actions does not support such a claim, manifest perhaps best by Judge Scott's ruling here, awarding Hartford less than 1/5 of which he sought.

And as for Hartford, and his attorney Lee, we note, this time in writing, some of the many questions we have asked Lee at oral argument, which questions were referred to by Judge Scott who, obviously having read the transcript of the argument, observed that he was "impressed by [the court's] questions of you in terms of enforcement aspects." Or, as Judge Scott earlier noted, "the absurdity of this is readily apparent in terms of fees, on fees, on fees stemming from a \$21,000 judgment.

All we can add is that perhaps one debtor examination after another, after another, after another may be excessive. Likewise, Hartford propounding interrogatories after interrogatories, and subpoena after subpoena, some so far-reaching or oppressive the court held they were improper. And we note, why does the motion here, seeking fees for nine-month's work, necessitate 204 pages of moving papers, including a declaration of Lee that has 12 exhibits? It is all hard to fathom.

The order is affirmed. The parties shall bear their respective costs on appeal.

Richman, J.

We concur:

Kline, P.J.

Miller, J.

Hartford v. Karnazes (A154672)